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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited  
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal  
corporation, COUNTY OF SAN  
FRANCISCO, a subdivision of the State  
of California, CITY AND COUNTY OF  
SAN FRANCISCO, a chartered California  
city and county and DOE 1 through DOE  
10,

Defendants.

Case No. C07-6067 JSW

**[PROPOSED] ORDER GRANTING  
DEFENDANT CITY AND COUNTY OF  
SAN FRANCISCO'S MOTION FOR  
JUDGMENT ON THE PLEADINGS  
Fed. R. Civ. P. 12(c)**

Defendant City and County of San Francisco's Motion for Judgment on Pleadings came on regular hearing before the Court on November 14, 2008. Paul Fisher and Eric Hecker appeared on behalf of Plaintiff Metro Fuel LLC ("Metro Fuel"). Deputy City Attorney Thomas S. Lakritz appeared on behalf of the City and County of San Francisco ("the City").

1 After considering the papers submitted by the parties and the arguments of counsel, the Court  
2 grants the City's motion.

3 Metro Fuel's claim that San Francisco Planning Code, Article 6 violates the First Amendment  
4 fails, because the City may ban commercial advertising when the ban is based on esthetics and safety.  
5 *See Metromedia v. City of San Diego*, 453 U.S. 490 (1981).

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8 Dated: \_\_\_\_\_

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HONORABLE JEFFREY S. WHITE  
Judge of the U.S. District Court  
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